

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EON SHEPHERD,

Plaintiff,

vs

9:04-CV-655

GLENN S. GOORD, Commissioner, Sued in his personal and official capacity; SUPERINTENDENT BENNETTE, Sued in his personal and official capacity; CAPTAIN WENDERLICH; DEPUTY WEST; SERGEANT ERICSON; SEGEANT POST; OFFICER TWEED; SUPERINTENDENT GIRDICH; DR. LESTER WRIGHT; STEVEN VanBUREN; N.A. SMITH; N.P. PARMER; NURSE KIM PERRIA; NURSE FARCHILD; DR. CANFIELD; J. COLVIN; SERGEANT J. KREMER; NURSE RILEY; and NURSE SULLIVAN,

Defendants.

APPEARANCES:

OF COUNSEL:

EON SHEPHERD
Plaintiff, Pro Se
96-A-0356
Green Haven Correctional Facility
PO Box 4000
Stormville, NY 12582

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SENDA B. SIUDA, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Eon Shepherd, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated July 18, 2008, the Honorable David R. Homer, United States Magistrate Judge, recommended that defendants' motion for judgment on the pleadings be granted as to defendants Goord, Gidrich, Wright, VanBuren, Bennette, Ericson, Kremer, and Colvin, and those defendants should be dismissed from this action; and denied in all respects as to defendants Tweed and Post; and the Second Amended Complaint be dismissed without prejudice as to defendant Riley. Lengthy objections to the Report Recommendation have been filed by the plaintiff.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Defendants' motion for judgment on the pleadings is GRANTED as to defendants Glen S. Goord, Superintendent Bennette, Sergeant Ericson, Superintendent Gidrich, Dr. Lester Wright, Steven VanBuren, J. Colvin, and Sergeant J. Kremer;

2. Defendants Glen S. Goord, Superintendent Bennette, Sergeant Ericson, Superintendent Gidrich, Dr. Lester Wright, Steven VanBuren, J. Colvin, Sergeant J. Kremer are DISMISSED from this action;

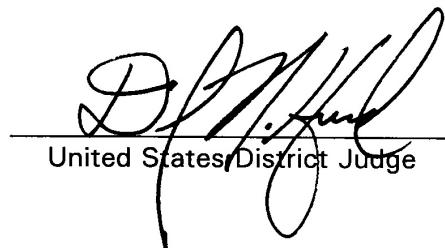
3. Defendants' motion is DENIED in all respects as to defendants Sergeant Post

and Officer Tweed;

4. The Second Amended Complaint is DISMISSED WITHOUT PREJUDICE as to defendant Nurse Riley;

IT IS SO ORDERED.

Dated: September 5, 2008
Utica, New York.



United States District Judge